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MAY 19 2008

Docket No.: 04-02 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

James E. Swon

Serial No.: 10/829,640

Filed: April 22, 2004

Title: APPARATUS AND METHOD FOR  
AGITATING A SAMPLE DURING  
IN VITRO TESTING

Examiner: Handy, Dwayne K.

Art Unit: 1797

Conf. No.: 7024

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

## AMENDMENT UNDER 37 C.F.R. § 1.116

Sir:

This is responsive to the Advisory Action dated April 8, 2008, and to the final Office Action dated January 24, 2008, for which a shortened statutory period for reply expired on April 24, 2008. A Petition for a One-Month Extension of Time is being filed herewith to extend the time for filing this paper to May 24, 2008. Favorable reconsideration of the Application is respectfully requested in view of the following Amendments and Remarks.

Amendments to the claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks begin on page 6 of this paper.

## CERTIFICATE OF TRANSMISSION

I, David Castro, hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office on:  
May 19, 2008 by: David Castro